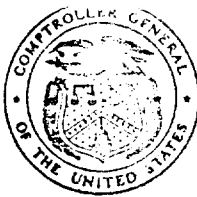


DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

26083

FILE: B-212608

DATE: August 25, 1983

MATTER OF: Moloney Coachbuilders

DIGEST:

The submission of a below-cost bid is not a valid basis to challenge a contract award. Further, allegations of possible infringement of antitrust laws are properly for referral to the Department of Justice.

Moloney Coachbuilders (Moloney) protests the award of a contract to Hess & Eisenhardt Co. (Hess), pursuant to solicitation No. 0000-230039 for armored passenger vehicles.

According to Moloney, Hess has submitted a bid below cost apparently to "foreclose competitors from the marketplace." The protester also believes that this action is an attempt to monopolize in violation of the Sherman Act, 15 U.S.C. § 2 (1976); therefore, the bid is unlawful and the contract should be set aside and awarded to Moloney, the next lowest bidder.

The submission of a below-cost bid does not constitute a legal basis for precluding or disturbing a contract award. Barrier Industries, Inc., B-210050, January 6, 1983, 83-1 CPD 11. Regarding Moloney's allegations of monopolistic practices, our Office does not consider allegations of possible antitrust violations. These matters are properly for consideration by the Department of Justice. Barrier Industries, Inc., supra.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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